

## **REMARKS**

### **I. INTRODUCTION**

Applicants have amended claims 8-9 and 11. Claims 1-12 are presently pending in this application, although claim 12 has been withdrawn from consideration. Reexamination and reconsideration is hereby respectfully requested.

### **II. CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Applicants have noted the objections to the claims under 35 U.S.C. § 112 as set forth in paragraph 4 of the Office Action. Applicants have made appropriate corrections, as required. Claim 8 is amended to depend upon claim 6. Line 3 of claim 6 as originally filed (reciting “an annular groove”) provides the antecedent basis for “said groove” recited in claim 8. Claim 9 has been rewritten as an independent claim, including all the limitations of any intervening claims, as well as to provide proper antecedent basis for “said groove.” The Office also rejected claim 11 as reciting the term “said groove” in line 16 of the claim without proper antecedent basis. Applicants respectfully submit that claim 11 recites “an annular groove” at line 14 of the claim as originally filed, thereby providing proper antecedent basis for the recitation “said groove” in line 16 of the same claim. Reconsideration and withdrawal of the objections are hereby respectfully requested.

### **III. CLAIM REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as anticipated by Miller et al. (U.S. 3,767,467). Applicants respectfully overcome this rejection.

Claim 1 recites, “A battery terminal configured to be secured to a battery case comprising: a terminal assembly . . . ; a ring configured to be disposed over said terminal assembly; and an anti-rotation system including a first set of angularly-spaced bosses with intervening slots formed on an outer surface of the case, a second set of angularly-spaced bosses with intervening slots on a first side of said ring facing said case and which are complementary with said first set of bosses and slots, and a set of recesses on a second side of said ring opposite said first side configured to receive portions of said terminal assembly.” (emphasis added).

The art, including Miller et al. and Spiegelberg et al. (U.S. 5,814,421) mentioned in the Background, at most disclose only one set of interlocking features, not a first set and a second set as positively claimed. For example only, Spiegelberg et al. disclose that the outer radial surface of the lead terminal has a number of sealing rings and a spline ring. The inner radial surface of a corresponding fixture is provided with shapes complementary to the spline ring. These radially oriented engagement features prevent rotation of the terminal. This radially oriented terminal, however, requires insert molding. Miller et al. likewise also only disclose at most one set of axially oriented interlocking features. Miller et al. disclose a plurality of ribs extending from the outer axial wall of the battery case. The periphery of the terminal being inserted into the battery case contains a plurality of lugs. These lugs fit into the notches created by the plurality of ribs. However, this only provides one set of interlocking features.

Miller et al. do not teach or suggest claim 1. Miller et al. disclose only one set of an axially oriented anti-rotational pair of ribs and notches, not “a first set” and “a second set” as positively recited. In particular, claim 1 positively recites two sets of anti-rotational pairs of bosses and slots. The two sets of anti-rotational pairs of bosses and slots are created by introducing a new element: a ring configured to be disposed over the terminal assembly. Having a first set and a second set of anti-rotational pairs of bosses and slots serves to improve the resistance to rotation of the terminal assembly. See Specification as originally filed at page 5, lines 22-32 and page 6, lines 1-3.

Additionally, Miller et al. fail to utilize or disclose a separate “ring” between the terminal assembly and exterior battery case as positively claimed. Miller et al. does discuss a barrier ring that is molded integrally with the exterior of the battery case (col. 2, 26-33). The barrier ring in Miller et al. only serves to house the portion of the terminal assembly outside of the battery case and does not include “bosses” and “slots” or “recesses” as claimed. In other words, the barrier ring engages the terminal assembly radially, while claim 1 recites a first set and a second set of interlocking features.

For these reasons, claims 1-5 define patentable subject matter over Miller et al. Reconsideration and withdrawal of the rejections are hereby respectfully requested.

#### IV. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 6-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. in view of Hooke et al. (U.S. 5,663,015). Claims 6-7 depend from claim 1 (directly or indirectly) and therefore contain all the limitations thereof. Accordingly, for at least the same reasons given above in connection with claim 1, Applicants respectfully request reconsideration and withdrawal of the rejection.

As an additional basis for patentability, Applicants respectfully submit that there is no suggestion or motivation to combine the cited references.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

MPEP § 2143. Applicants submit that there is no suggestion or motivation for combining the teachings of Miller et al. with Hooke et al.

Claim 6 recites (1) an elastomeric seal placed in an annular groove between the flange of the terminal assembly and the inner surface of the battery case and (2) a sealant material between the inserted ring and outer surface of the battery case. Miller et al. at most disclose the use of a gasket within a cylindrical recess. Hooke et al. suggest that the gasket be made of an elastomeric material. However, the use of the gasket is outside of the battery case in Miller et al. Claim 6 uses the elastomeric seal within the battery case to seal the head of the terminal with respect to the interior of the battery case. The Office Action states that “[t]he selection of a known material based on its suitability for its intended use support[s] a *prima facie* obviousness determination . . . .” Office Action, page 6. However, even if it were proper to combine Miller et al. with Hooke et al. (which it is not), not all the recitations of claim 6 would be met because the relevant item in Miller et al. is outside, not inside, the case as recited (“ . . . inner surface of the battery case”).

Additionally, claim 7 recites “a hot melt material” between the inserted ring and the outer surface of the case. Neither Miller et al. nor Hooke et al. discuss the use of a hot melt sealant on

the intervening sets of bosses and slots comprising the anti-rotational system that serves to keep the terminal in place. Therefore, even assuming it would be obvious to combine references (which it is not), not all of the limitations of claim 7 would be met.

**V. CLAIM REJECTION UNDER 35 U.S.C. § 103**

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. in view of Bäcker et al. (U.S. 4,076,908). Claim 8 depends from claim 1 indirectly and therefore contains all the limitations thereof. Accordingly, for at least the same reasons given above in connection with claim 1, Applicants respectfully request reconsideration and withdrawal of the rejection.

As an additional basis for patentability, claim 8 recites “communication means for allowing a fluid to communicate between an interior of said case and said groove.” (emphasis added). Miller et al. at most disclose the use of a groove with a sealing gasket on the exterior of the battery case where there is not expected to be a communication of electrolyte fluid between the interior of the case (*i.e.*, where the acid/electrolyte exits) and the groove (as positively claimed) of the terminal. However, in claim 8, the terminal is inserted from the interior of the battery case and the groove in the flange of the terminal engages the inner surface of the battery case, creating the potential for contact between the electrolyte solution and the flange. Applicants submit that the rejection of claim 8 under 35 U.S.C. § 103(a) is improper because there is no suggestion or motivation to combine Miller et al. and Bäcker et al. Bäcker et al. at most disclose that the electrolyte has a high seepage ability and reliable sealing cannot be maintained. Bäcker et al. disclose nothing regarding positively providing a “communication means.” Because Miller et al. do not need to prevent corrosion by allowing communication between the electrolyte solution and the head of the terminal assembly and Bäcker et al. do not suggest the benefits of the flow of electrolyte within the groove, there is no motivation to combine Miller et al. and Bäcker et al. to render claim 8 obvious.

**VI. CLAIM REJECTION UNDER 35 U.S.C. § 103**

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. in view of Oxenreider (U.S. 4,351,890). Claim 10 depends from claim 1 directly and therefore contains all the limitations thereof. Accordingly, for at least the same reasons given

above in connection with claim 1, Applicants respectfully request reconsideration and withdrawal of the rejection.

**VII. CLAIM REJECTION UNDER 35 U.S.C. § 103**

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. in view of Hooke et al. and Bäcker et al. Claim 11 recites all that is recited in claim 1 and therefore contains all the limitations thereof. Accordingly, for at least the same reasons given above in connection with claim 1, reconsideration and withdrawal are requested.

For these reasons, claims 6-8, 10, and 11 define patentable subject matter over Miller et al. in view of Hooke et al., Bäcker et al., and Oxenreider. Reconsideration and withdrawal of the rejections are hereby respectfully requested.

**VIII. ALLOWABLE SUBJECT MATTER**

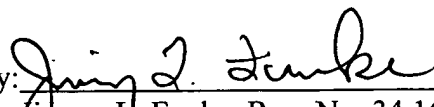
The Office objected to claim 9, but indicated that it would be allowable if rewritten in independent form, including all limitations of any intervening claims (and the § 112 rejection was overcome). Applicants appreciate the indication of allowable subject matter, and the requested changes have been made.

**IX. CONCLUSION**

For at least the above-cited reasons, all claims pending in the present application are now believed to be allowable. Early receipt of a Notice of Allowance is hereby respectfully requested.

Respectfully submitted,

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